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OFFICE OF PETITIONS

In re Application of
John G. Apostolopoulos, et al.
Application No. 09/784,226
Filed: January 19, 2001
Patent No. 6,868,083
Issue Date: March 15, 2005
Atty Docket No. 10006736-1

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: DECISION GRANTING PETITION
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This is a decision on the petition filed August 4, 2006, and supplement thereto filed October 19, 2006, requesting that the above-identified application be accorded a filing date of January 19, 2001, instead of the presently accorded date of February 16, 2001. The decision on the petition is being expedited in accordance with the petition under 1.182 filed October 18, 2006.

Petitioner alleges that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on January 19, 2001. In support, petitioner provides, *inter alia*, a copy of the "Express Mail" mailing label receipt No. EJ764218000US. The same Express Mail receipt number was referred to in the original application transmittal letter found in the file. It is noted that, since the application has issued as a patent, a request for Certificate of Correction accompanied the supplemental petition on October 19, 2006.

Paragraph (c) of 37 CFR 1.10 states that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in" and of any other official notation by the USPS relied upon to show the date of deposit.

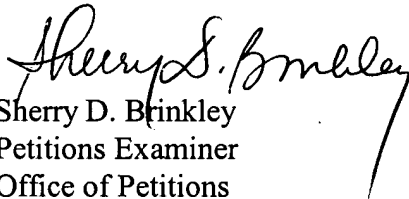
The petition is found to comply with the requirements of 37 CFR 1.10(c). Accordingly, the petition is GRANTED.

Since a review of the record confirms that the error in the filing date was a result of USPTO error, the front page of the above-identified patent will be corrected by way of a Certificate of Correction.

The application is being referred to:

- (1) the Office of Initial Patent Examination (OIPE) for correction of the filing date to **January 19, 2001** and for issuing a corrected Filing Receipt; and
- (2) the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions